

CITY COUNCIL MINUTES
July 23, 2012
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, July 23, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: none

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Administrative Services Director Andy Heath, Transit Analyst Megan Siren and Police Chief John Ruffcorn.

By **MOTION**, add the Connolly vs. City of Auburn case to closed session.

MOTION: Nesbitt/ Powers/ Approved 5:0

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Powers/ Unanimously approved by voice

Conference with Legal Counsel:

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation:
(G.C. 54956.9(a))

Joseph G. R. Labrie, Auburn City Clerk v. Board of Supervisors for the County of Placer, Jim McCauley, County Clerk-Record-Registrar of Voters (James Earp, Hank Gonzales and California Alliance for Jobs, Real Parties in Interest), Placer County Superior Court Case No. SCV-0030835

Pending Litigation:
(G.C. 54956.9(a))

Victoria Connolly, First Amendment Coalition v. City of Auburn, Auburn City Council, Placer County Superior Court Case No. SCV-0031261

REPORT OUT OF CLOSED SESSION

Mayor Hanley reported that the City has declined to appeal the recent decision in regards to attorney fees in the Labrie vs. Board of Supervisors case. He also said there was no reportable action in the Connolly vs. City of Auburn case.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Hanley presented the Grand Oaks Open Space Fire Safety Program Commendation.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. Minutes

By **MOTION**, approve the minutes of June 25, 2012 and July 9, 2012.

2. Quarterly Report of Investments – Quarter Ending March 31, 2012

Receive, review and file the “City of Auburn Quarterly Investment Report” for the quarter ending March 31, 2012.

3. Multi Modal Light Enhancement Project – Award & Environmental

By **MOTION**, find the Multi Modal Light Enhancement Project exempt from the California Environmental Quality Act (CEQA) per section 15301 (Existing Facilities).

By **RESOLUTION 12-86**, authorize the Director of Public Works to enter into a construction agreement with Norris Electric for the Multi Modal Light Enhancement Project.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Powers/ Nesbitt/ Approved 5:0

4. Public Comment

Ralph Smith, State Farm Insurance Agent at 430 Grass Valley Highway, spoke about public safety issues on the walkway behind his building.

Michael Otten, President of Placer County Historical Society, announced the Heritage Trail event Aug 11-12th, 2012. He also spoke about the buildings that will be on this tour.

Joe Labrie, City Clerk, read the summary report from the Brown Act Committee in regards to the recent suspension of the Brown Act as part of the Assembly Bill 1464, the Budget Act of 2012 (report available with agenda as part of the permanent record).

City Attorney Michael Colantuono said although funding from the State was suspended for the Brown Act, he advises the Council continue current practice and procedures.

COUNCIL BUSINESS

5. Review of City's Email Retention Policy

City Manager Bob Richardson presented this item. He said the new policy treats email as a public record that will be retained for two years and made available to the public upon their request. He said improvements will be needed to the City's server system to handle the increased retention. He said all email exchanges between City Officials and Staff on matters of City Business will be subject to this policy. He said emails exempt from this policy include: emails to or from Auburn residents/ business owners/ property owners to Council Members not sent to a city issued email address and emails sent or received by City Officials in their personal/professional lives unrelated to city business.

City Attorney Michael Colantuono reviewed revisions to the policy made after receiving comment.

Council Member Nesbitt asked about the increased storage capacity needs.

Bob Richardson said he believes the cost may be around \$46,000 for a stand alone package but the city will attempt to achieve a cost savings by combining it with other necessary upgrades. He said a proposal will be brought back to Council at a future meeting.

Council Member comments followed regarding support this new policy while still protecting their first amendment rights.

Council Member Kirby asked about new business cards listing a city issued email address.

Mayor Hanley said the ability for an individual to contact a Council Member privately is important. He spoke about the recent law suit in regards to making emails public.

Council Member Holmes asked for clarification in regards to private contact phone numbers being used.

By **RESOLUTION 12-87**, amend the City's policy regarding the retention of email including the amendments the City Attorney outlined.

MOTION: Nesbitt/ Holmes/ Approved 5:0

6. **CalPERS Contract Amendment Ordinance – 1959 Survivor Death Benefit Program (Police)**

Finance Director Andy Heath presented this item. He said this ordinance was placed on the consent calendar and passed June 25, 2012 but due to a CalPERS requirement it cannot be approved via consent calendar. The final adoption of the ordinance must take place during Council Business.

Waive full reading and re-adopt **ORDINANCE 12-03** to amend the contract between the City of Auburn and CalPERS, providing Section 21754 (Forth Level of Survivor Death Benefits) for local police members.

MOTION: Powers/ Holmes/ Approved 5:0

REPORTS

7. **City Council Committee Reports**

Council Member Powers reported on the Industry 2012 event at the Auburn Airport. She reported on the Economic Development Commission's work on recruiting business owners for this event.

Council Member Kirby reported on the Placer Nevada County Wastewater Authority and the work being done on the regional wastewater treatment project. He spoke about the Middlefork funds and the effect on Auburn ratepayers. He also reported on Auburn Movie Night and the plan to move the Old Town movies next year to avoid street closures.

Council Member Holmes reported on the new board members for the Old Town Business Association. He said the Old Town Auburn Preservation Society has a fundraiser this Thursday to raise funds for the Medical Museum. He reported that the Auburn Chamber of Commerce Board of Directors voted to move their business to the "Old City Hall" next to the Placer County Visitors Bureau.

Council Member Nesbitt reported on the Placer County Transportation Planning Agency combining their July and August meeting, to August 25th. He also spoke about the marketing being done by the Economic Development Commission. He reported on an upcoming meeting of the Streetscape History and Art Advisory Committee. He reported on the committee forming to put together a proposal for the Amgen bike race.

Mayor Hanley reported on the Greater Auburn Area Fire Safe Council meeting held last week where they discussed goats for vegetation control, had a report by Calfire on the Robbers fire, and discussed the ability to use bulldozers in “wild and scenic” areas.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 6:51 p.m.

Kevin Hanley, Mayor

Joseph G. R. Labrie, City Clerk